

The Board of Commissioners of Fayette County, Georgia met in Official Session on Thursday, September 27, 2007, at 7:00 p.m. in the public meeting room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

COMMISSIONERS PRESENT: Jack Smith, Chairman
Herb Frady, Vice Chairman
Robert Horgan
Eric Maxwell
Peter Pfeifer

STAFF MEMBERS PRESENT: Jack Krakeel, Interim County Administrator
Carol Chandler, Executive Assistant
Karen Morley, Chief Deputy Clerk

Chairman Smith called the meeting to order.
Commissioner Pfeifer offered the Invocation.
Pledge of Allegiance.

Acceptance of the Agenda

A motion was made by Commissioner Horgan and seconded by Commissioner Frady to accept the agenda as presented. The motion carried 5-0.

Chairman Smith announced that anyone present tonight interested in the discussion of the noise ordinance that was listed under old business on the agenda would have the opportunity to address and make comments about the noise ordinance prior to the Board discussing it. He said it would not be necessary for those individuals wanting to make comments to do so under the public comment section.

REZONING RULES: Director of Community Development Pete Frisina remarked that tonight's public hearing was for the Board of Commissioners to consider a request for rezoning of property and any proposed amendments related to County codes and regulations. He said Fayette County required two public hearings for these requests. He said the first public hearing on the first Thursday of every month was held by the Fayette County Planning Commission and their vote was a recommendation to the Fayette County Board of Commissioners. He said the second public hearing was held on the fourth Thursday of every month by the Board of Commissioners and their vote was the final decision of the County.

Mr. Frisina said procedures for public hearings of each agenda item are as follows: (1) presentation by the petitioner. He said once the agenda item was announced the petitioner will present the request to the Board of Commissioners. He said the petitioner along with those speaking in favor of the request would be granted a cumulative total of fifteen (15) minutes for presentation and rebuttal. (2) public comment. He said after the petitioner's presentation the Chairman of the Board of Commissioners would ask for public comment. He said speakers will have a total of three (3) minutes each to address the Board of Commissioners. He said first the Board of Commissioners will hear those in favor of the request and then the Board would hear those opposed to the request. He said a cumulative total of fifteen (15) minutes would be granted to each side. He said this

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pertained to speakers in favor of the request and those opposed. He said each person who wished to speak to the Board would come to the podium and print his/her name and address on the form provided so that each speaker would be accurately identified in the minutes of the meeting. He said speakers were requested to speak only to the Board and not to the applicant or others in the audience. He said if a group wished to speak then a spokesman should represent the group. He said it was asked that each speaker not repeat the same concerns as previous speakers. He said any items such as photographs or signed petitions that the speaker wishes the Board to have should be given to the Marshal. He said after all those in opposition have spoken, the Chairman of the Board would close the floor to further public comment on the agenda item. He said the petitioner would be given the remainder of his/her fifteen (15) minutes for rebuttal and to address the Board about the issues. He said normally a Commissioner would make a motion to either approve, deny, approve with conditions or table and then the motion seconded by another Board member. He remarked that lack of a second would nullify the motion. He said the Board of Commissioners can ask questions or make comments prior to or after a motion was made and seconded. He said following discussion, the Chairman would call for the vote. He said the vote by the Fayette County Board of Commissioners was the final County decision regarding the request.

PETITION NO. T-017-07:

Director of Community Development Pete Frisina asked for the Board's consideration for Petition No. T-017-07, Keepport & Associates, LLC, GDC Greenbriar, LLC, and Envoy Associates, LLC, Owners, and Jennifer Blackburn, Troutman Sanders, LLP, Agent, who request the expansion of the existing tower facility containing an existing 160 foot monopole tower plus a five (5) foot lightning rod. He said this property was located in Land Lot 69 of the 7th District, fronted on S.R. 54 West, Broken Bow Drive, and Shiloh Drive, and was zoned C-C. He said staff recommended approval with four (4) recommended conditions. He said the Planning Commission recommended approval with the staff's four (4) recommended conditions plus one (1) self-induced condition (4-0).

Chairman Smith asked if the petitioner or agent was present for this discussion.

Attorney David Kirk remarked that he was with the law firm of Troutman Sanders, 600 Peachtree Street, Atlanta and was representing Verizon Wireless and the applicant. He said Katrina Wolfe was also present and she was the Site Acquisition Specialist for Verizon Wireless. He said this was a request for the expansion of an existing telecommunications facility located behind the Publix Shopping Center on S.R. 54 to the East of Peachtree City. He said Verizon Wireless desired to co-locate on an existing tower and slightly expand the existing equipment compound to accommodate Verizon Wireless' ground equipment for this facility. He said in doing so would fill a substantial coverage gap in Verizon Wireless' network here in Fayette County. He remarked that County staff had thoroughly reviewed and evaluated this project as had the Planning Commission at their recent meeting. He said both of these bodies have recommended approval with certain conditions. He said he and the applicant had reviewed these conditions and they certainly understood them and agreed to those conditions. He said he would respectfully request the Board's approval of these recommendations. He said he would be glad to answer any questions that the Board might have.

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Chairman Smith asked if anyone wished to speak in favor of this request. Hearing none, he asked if anyone wished to speak in opposition to the request. Hearing none, he declared the public comment section closed at this time. He asked for the Board's pleasure in this matter.

A motion was made by Commissioner Pfeifer and seconded by Commissioner Horgan to approve Petition No. T-017-07 with four (4) recommended conditions plus one (1) self-induced condition, discussion followed.

Commissioner Maxwell said he would like to ask Mr. Frisina a question. He remarked that the current County ordinance would not currently allow this. He said it was 1,000 feet to a property line and there was a 250 feet setback. He said this petition was asking for a variance on both of those.

Mr. Frisina replied that the petitioner had received permission to expand the fenced in area for the building that holds the equipment. He said this was reducing the setback to the property line by approximately 10 feet. He agreed under the current ordinance that this did not meet the requirements.

Commissioner Maxwell asked what the purpose was for the 1,000 foot rule. He said this had been changed a couple of years ago.

Mr. Frisina replied that was not an issue that he had worked on, but it had gone through many public hearings with the Planning Commission and staff and this was what they had come up with. He said he thought the 1,000 feet was not a separation aspect trying to keep this away from residential property. He said the setback was from a residential structure and not the property line.

Commissioner Maxwell said he would like to know the reason for this rule because the Board would be violating this rule. He said he was concerned about future requests for this very issue and questioned why this was being violated if there was a 1,000 foot rule.

Mr. Frisina replied that he could review the minutes for this issue and provide that information for the Board. He said the tower was still going to be in the same place and was not being increased in size. He said the fenced in facility was the only thing being increased and they had to get permission to do that.

Mr. Krakeel interjected that he had been part of some of those prior discussions. He said at least part of the rationale historically had been that some towers, due to their location, required warning lights and/or strobe lights from an aviation perspective. He said if this was in fairly close proximity to a residence, it could be an impact on that residence to have this strobe light shining into homeowners' windows at night. He said this was part of the rationale although he was not sure if it was the total rationale for the decision but it had been part of the discussion and that was to minimize the potential impact of warning lights that might be required on a tower as a result of aerial navigation.

Commissioner Maxwell said it was his understanding that this structure was only going to be 8x8, 10x10 or 12x12 and relatively small and relatively low off the ground. He said he was hearing that this was not a public

safety issue as far as the closest house. He said the closest house would be 500 feet and the tower was remaining at 160 feet tall.

Commissioner Frady asked how long the tower had been located there.

Mr. Frisina replied the tower was established in 1998. He said the tower had met the current County regulations at that time. He said the tower was grandfathered.

Chairman Smith asked if there were any other questions. Hearing none, he called for the vote.

The motion carried 5-0. A copy of the recommended conditions, Staff's Analysis and Investigation, identified as "Attachment No. 1", follow these minutes and are made an official part hereof. A copy of Resolution No. T-017-07, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

CONSIDERATION OF THE PROPOSED AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE REGARDING ARTICLE VII. CONDITIONAL USES, EXCEPTIONS, AND MODIFICATIONS, SECTION 7-6. TRANSPORTATION CORRIDOR OVERLAY ZONE, A. S.R. 54 WEST OVERLAY ZONE, 4. ARCHITECTURAL STANDARDS; B. S.R. 85 NORTH OVERLAY ZONE, 4. ARCHITECTURAL STANDARDS; AND C. GENERAL STATE ROUTE OVERLAY ZONE, 4. ARCHITECTURAL STANDARDS AS PRESENTED BY THE PLANNING & ZONING DEPARTMENT:

Director of Community Development Pete Frisina asked for the Board's consideration for the proposed amendments to the Fayette County Zoning Ordinance regarding Article VII. Conditional Uses, Exceptions, and Modifications, Section 7-6. Transportation Corridor Overlay Zone, A. S.R. 54 West Overlay Zone, 4. Standards; and C. General State Route Overlay Zone, 4. Architectural Standards. He said Staff recommended approval and the Planning Commission recommended approval (3-1).

Mr. Frisina further remarked that this was an issue that had been brought before the Board at its Workshop meeting held in June. He said staff was given permission to work on this issue and brought back its findings to the Board at its August Workshop meeting. He said the County currently had overlay zones on its highways that require certain architectural characteristics to the buildings that would be built there for non-residential development. He said there were also buildings in those corridors that were built prior to the overlays that were put into place so they did not meet the architectural requirements. He said the proposal would allow anyone to get a one time expansion of those buildings as long as the expansion plus the additional part of the building did not comprise more than 50% of the structure, it could maintain the same facade and design of the structure there that was non-conforming. He said if the addition comprises more than 50% of the total structure, then staff would require the entire structure to be brought into architectural compliance. He said this was for a one time expansion. He said each of the overlays would then allow that. He said the overlays included the S.R. 54 West overlay, S.R. 85 North overlay and the general State Route Overlay that covers all of the other highways.

Chairman Smith asked if the Board had any further questions. Hearing none, he asked if anyone wished to speak in favor of these changes. Hearing none, he asked if anyone wished to speak in opposition to these

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changes. Hearing none, he declared the public comment section closed. He asked for the Board's pleasure in this matter.

Commissioner Frady felt this was a reasonable change for the overlay zones and a positive step for business owners.

A motion was made by Commissioner Frady and seconded by Commissioner Horgan to approve the Amendments to the Fayette County Zoning Ordinance regarding Article VII. Conditional Uses, Exceptions and Modifications, Section 7-6. Transportation Corridor Overlay Zone, A. S.R. 54 West Overlay Zone, 4. Architectural Standards, B. S.R. 85 North Overlay Zone, 4. Architectural Standards, and C. General State Route Overlay Zone, 4. Architectural Standards, discussion followed.

Commissioner Horgan asked Mr. Frisina when somebody makes this addition and it uses up more space than their parking lot would this be noted.

Mr. Frisina replied that any addition would have to go through a full site plan and staff review. He said staff would have to make sure that in lieu of the expansion that the site would still meet all of the minimum requirements.

Commissioner Horgan clarified that regardless of whether it was 50% or larger, they would still have to go to the Planning Department for approval even if it was for a 25% increase.

Mr. Frisina remarked that was correct. He said any improvements made to a non-residential site would require either an update or a site plan if there was not one.

Commissioner Horgan asked if this would apply to something as minimal as painting.

Mr. Frisina replied no, and remarked that it would not require a site plan unless there were enlargements being made.

Chairman Smith said he would like to make three comments. He said (1) he did not really like the language. He felt it was somewhat cumbersome. He asked if this item had been through legal review.

Interim County Attorney Don Comer indicated that it had not been through legal review.

Chairman Smith said (2) he wanted to be sure that everyone understood that where it stated that the addition comprised 50% that referred to 50% of the total square footage which was considered a 100% addition to the building. He said the building size could be doubled.

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Mr. Frisina said staff meant that based on the plans of the expansion taking both the addition and the existing portion of the building together that the expansion could not comprise more than 50% of that total square footage.

Chairman Smith asked if that would be 100% addition to the original structure.

Mr. Frisina replied yes it would be doubling the size of the structure.

Chairman Smith clarified that was the intent that the size of the structure could be doubled.

Mr. Frisina responded yes without having to bring it into architectural compliance. He said if the structure more than doubled in size then the entire structure would have to be brought into compliance.

Chairman Smith said his (3) comment was that this appeared to be somewhat open ended. He expressed concern that by not putting some kind of a sunset on this issue that once one of these corridors possibly the S.R. 54 West corridor was predominantly developed in O-I, then would the County really want to be able to double the size of a non-conforming structure. He questioned if staff should look at this issue from the standpoint of whether there was a date certain in the future that stated this could be done. He questioned if it would be possible to do that and put that type of restriction in this for sometime ten years from now when the development on the corridor was substantially completed. He asked staff if this type of restriction could be put in there.

Mr. Frisina replied that he had never done anything with sunset provisions in any previous ordinances. He said this would allow a one time doubling of the size of a building that would be non-conforming right now in any of the corridors.

Commissioner Frady said the only thing the County would get relief from was architectural design and Mr. Frisina replied yes that was correct.

Mr. Frisina remarked that any brand new structures that were not part of an addition would have to meet the architectural requirements.

Commissioner Frady remarked that most of the buildings on S.R. 54 West come under the new architectural design requirement.

Mr. Frisina commented that S.R. 54 West did not have a predominance of non-residential development between here and Peachtree City other than the area just before entering Peachtree City. He said some of the County's other corridors such as S.R. 85 North and S.R. 54 East were developed well before any kind of architectural standards were put in place in the County. He said there were some areas especially on S.R. 54 East where there were some older buildings. He said what had prompted this issue was someone wanting to expand a building which was an auto repair facility. He said the way the current ordinance read the owner

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would have to make the new part of the building look like a house and the old part would still be a metal structure that looked totally different. He said this was the only option that staff had at that point.

Commissioner Maxwell said he just could not vote for this. He said he supported this in concept but if it had not been reviewed by Attorney Comer then he just could not vote for it right now. He said he would rather have Attorney Comer review this before the Board voted.

Chairman Smith asked Commissioner Frady if he wanted to withdraw his motion.

Commissioner Frady asked Attorney Comer if he had reviewed this ordinance and Attorney Comer replied no.

Commissioner Maxwell said the Attorney could address the three issues that Chairman Smith had when he does his review.

Chairman Smith called for the vote on the motion before the Board.

The motion failed 1-4 with Commissioner Horgan, Commissioner Maxwell, Commissioner Pfeifer and Chairman Smith voting in opposition.

PUBLIC COMMENT:

Members of the public are allowed up to five minutes each to address the Board on any issues of concern.

Chairman Smith reiterated that the Board would be addressing the noise ordinance under Old Business on the agenda. He said if anyone wished to speak on the noise ordinance, now would not be the time. He said those individuals would have an opportunity to speak under this issue listed under Old Business.

Kathleen Mann: Kathleen Mann said she had lived at 125 Perla Place which was in the Tunis Trace Subdivision for almost 25 years. She said when she first purchased the property her house was the first one on the street and there was a five acre minimum. She said over the years with new people moving into Fayette County, Tunis Trace was now zoned R-20 with one acre minimum lots. She said some of her neighbors had broken up their property and sold it in smaller lots. She said The Woodlands with 120 homes were now built along the back property line where there used to be acres and acres of woods. She said twelve years ago she had come before the Commissioners and asked for a stronger gun ordinance due to hunters shooting guns next to her home in a vacant lot. She said the ordinance had been revised at that time and now twelve years later she was requesting another update to restrict all bow hunting in zoned residential areas. She said in 1995 Fayette County had a population of 80,318 and at the end of 2006 Fayette County had grown to more than 106,600 just over a 33% growth. She said there were a lot more people, more traffic, more homes and a lot less large wooded lots. She said she still owned 6 acres and her neighbor had 8 acres where the bow hunting was taking place. She said the lots were very long yet very narrow with the widest being less than 300 feet. She stated that the neighbor's tree stand was just 100 feet from her driveway and 65 feet from her property line. She said she and her husband had noticed a very small deer against their fence when they were driving out of their driveway that had been shot. She said they had spoken with the neighbor who informed them that

he allowed a person to bow hunt on his property and he had just shot the deer. She said the neighbor told them that he had every right and this was legal.

Ms. Mann further remarked that she had researched the Georgia State law and the Fayette County Ordinances and determined that her neighbor was correct. She said there was absolutely no State law, Fayette County restrictions or Ordinances for the safety of citizens from bow hunting in a zoned residential area. She said a person could stand in any size lot in any subdivision in the County and shoot a bow. She said times have changed, the population has grown and many homes have been built since 1995. She said it was time to revise and create a strong gun ordinance and add bow hunting to it, restrict the discharge of any type of fire arm or any type of bow hunting in a zoned residential area.

Ms. Mann further remarked that she was asking for the Board to review and revise the 1995 gun ordinance to protect Fayette County residents. She said she would like to offer her time and assistance in any way to accomplish this change. She said Fayette County citizens should have an ordinance to fall back on and protect them from people who use poor judgment and poor common sense when it comes to fire arms in bow hunting. She said as a citizen of Fayette County in the year 2007 she should not have to wear an orange vest or be nervous to walk in her driveway or work in her yard. She said accidents happen to innocent bystanders every day even by the most experienced hunters.

Vic Remeneski: Vic Remeneski, 145 Robin Court, Fayetteville said he had read in the newspaper about a committee that this Board appointed to look into changing the retirement system for County employees. He questioned who was on the committee. He said he had also read in the newspaper that this committee was considering a defined benefit pension plan for Fayette County employees and he asked if this had been resolved or was the committee still looking into this. He asked if the committee had consulted an actuarial firm to find out how much this was going to cost the taxpayers of the County if it was implemented.

Chairman Smith interjected that this was the public comment section and did not involve any question and answer dialogue. He said he would make an exception and answer part of the question. He said no, this had not been resolved. He said yes, there was a committee that was appointed, had met and also had engaged the services of a company that did have an actuarial service attached to it.

Mr. Remeneski remarked that there had not been a new defined benefit pension plan in the United States in twenty or thirty years. He said this was what brought United Airlines down, brought Eastern down, Delta Airlines and Northwest Airline have dropped this plan, and General Motors has come close to dropping their plan. He said he would be following this issue very closely.

Alice Jones: Alice Jones applauded the Commission for moving forward with the opening of the largest park in Fayette County which was Kenwood Park. She said this was very important to a lot of the residents including children and older citizens who had to travel great distances to reach park facilities. She said in retrospect the homeowners in the area of Kenwood Park had noticed an increase of \$500 plus in their property tax bills. She said in talking with the Parks and Recreation administrators they were informed that the

budgeted monies for Phase I of Kenwood Park were depleted at this time and there were no additional funds for Phase II of the park. She said it was very disappointing to understand that there was no softball diamond for the park. She recalled that a softball diamond was part of the original plan to be inclusive of Phase I and it was very disappointing to a lot of the residents of the area. She said softball was like American pie to everyone and they were looking forward to that being part of the project. She remarked that she did not know how soon Phase II would begin but they would like to see this occur.

CONSENT AGENDA: Commissioner Maxwell requested item no. 6 be removed for discussion. A motion was made by Commissioner Horgan and seconded by Commissioner Pfeifer to approve consent agenda item nos. 1, 2, 3, 4, and 5 as presented. The motion carried 5-0.

WATER COMMITTEE APPOINTMENT: Appointment of Chris Clark to serve on the Water Committee. A copy of the request, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

BID NO. 622 AWARDED TO VERMEER SOUTHEAST - VACTRON FM 150-SGT: Approval of Bid Award for Bid No. 622 to Vermeer Southeast for Vactron FM 150-SGT for a valve maintenance system in the amount of \$33,640. A copy of the recommendation and the contract, identified as "Attachment No. 4", follow these minutes and are made an official part hereof.

MEMORANDUM OF UNDERSTANDING - SANY AMERICA, INC.: Authorization for the Chairman to execute a Memorandum of Understanding between the County, the Fayette County Development Authority, Peachtree City and Sany America, Inc. concerning the location of a Sany Facility in Fayette County. A copy of the Memorandum of Understanding, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

BID AWARDED TO KUT-KWIK CORP - SLOPE MASTER MODEL - WATER SYSTEM: Approval of staff's recommendation to award bid to Kut-Kwik Corp. in the amount of \$47,739 for one (1) Kut-Kwik Super Slope Master Model #SSM38-72D for the Water System. A copy of the recommendation and the contract, identified as "Attachment No. 6", follow these minutes and are made an official part hereof.

WATER COMMITTEE RECOMMENDATION - AQUATIC ENVIRONMENTAL SERVICES FOR CREEK STUDY: Approval of Water Committee's recommendation to award the Creel Survey and Aquatic Growth Study to the low bidder Aquatic Environmental Services in the amount of \$3,000 with funds to be a budget adjustment from the Renewal and Extension Fund to Technical Services. A copy of the recommendation and the contract, identified as "Attachment No. 7", follow these minutes and are made an official part hereof.

BID AWARD NO. RFP P612 - DIVERSIFIED ADJUSTMENT SERVICE FOR BAD DEBT COLLECTION SERVICE (EMS SERVICES): Approval of RFP Bid P612 to Diversified Adjustment Service for Bad Debt Collection Service (EMS Services). A copy of the request, identified as "Attachment No. 8", follow these minutes and are made an official part hereof.

Commissioner Maxwell requested that this item be tabled to the October 3, 2007 Board of Commissioners' Workshop Meeting.

DISCUSSION OF THE COUNTY'S EXISTING NOISE ORDINANCE:

Chief Marshal Ed Collins remarked that the County's current noise ordinance was adopted in April, 2005. He discussed his report with the Board on the current status of the noise ordinance with his recommendations, additional and deletions. A copy of the report, identified as "Attachment No. 9", follows these minutes and is made an official part hereof. He said prior to that time the County was under the old prohibitive noise ordinance which was very general, subjective and quite arbitrary. He said the new ordinance added some additional noises and also gave a measurable decibel level to work with. He said the decibel level reading of 55 was the number that the marshals were enforcing. He said he had done some research to try and determine why this was a magic number. He said the E.P.A. had done most of the work in this area and they recommended the sound level to be kept at 55 decibels or lower in residential areas. He said while the 55 decibels was not a Federal requirement of the E.P.A. they did recommend it. He said this was noted in exhibit no. 2 at the bottom of the page. He said subsequent to th E.P.A.'s recommendations, a task force of numerous Federal agencies was formed and it was headed by the E.P.A. and the F.A.A. and they recommended noise levels of no higher than 65 decibels in residential areas. He said it was pointed more toward airports and the impact that the airport and the airplane would have on residential areas.

Chief Marshal Collins also noted that the E.P.A. sites research where normal average background noise was approximately 40 decibels during the daytime which decreases to approximately 30 decibels at night in a typical residential area. He said the E.P.A. also reported that technically for every three decibel increases in the scale the sound level present actually doubles. He said the human brain cannot ascertain this doubling until it goes up approximately ten decibels. He said the E.P.A. also determined for a normal indoor conversation, the indoor decibel level should be no higher than 45 decibels. He said their study also showed that the average house reduces outside noise by approximately 15 decibels. He said the conclusion that the E.P.A. made was that for normal indoor conversation the outdoor noise level must be no higher than 60 decibels. He said this was noted on exhibit no. 4. He said he had also checked other agencies such as H.U.D. for their guidelines and they stated acceptable locations were those where the outside noise level did not exceed 65 decibels and the inside level did not exceed 45 decibels. He said this was noted on exhibit no. 2. He said on the surface this would seem to indicate higher acceptable levels in the E.P.A. but in reading deeply into their research he concluded that their study was really about large housing projects in building and refurbishing them. He said he also checked on international standards and noted that the World Health Organization under the United Nations and they recommended 50 to 55 decibels for outdoor daytime levels and 45 decibels for outdoor night time levels. He said because of the local issue of concern for citizens in Fayette County he came across an interesting report from the E.P.A. under their annoying sound survey. He

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said the E.P.A. had conducted the survey in three different population density areas and in all three areas the number one annoying sound was motorcycles. He said this was noted in exhibit no. 3.

Chief Marshal Collins noted that on exhibit no. 5 it showed how much noise decreases over distance while the table at the top of the page showed some examples of typical noise levels caused by different sources. He said this was basically where the 55 decibel level was derived and accepted across the research that anything above 55 decibels was annoying to the human ear. He pointed out on page 5 of the report that the historical noise complaints in Fayette County in going back to 2003 were listed. He said the number of complaints from 2003 to the present had stayed pretty level but the number of citations issued have tended to drop. He said some of these noises that we have investigated over the years some were serious but some of these were odd. He said they included generators running, barking dogs and things of that nature. He said they also answered calls for loud children and even livestock. He said there had been numerous complaints about chickens. He said in every year since 2003 there had also been complaints of motorcycles, ATV's and so forth. He said the number of complaints since July of this year have not increased significantly and if averaged out over the years this had actually dropped somewhat. He estimated that this year's total would be no higher than the highest total in the past few years.

Chief Marshal Collins remarked that he had done a survey of other agencies and their noise ordinances. He said he had contacted 22 local jurisdictions and tried to get an overview of cities and counties to see what the difference would be between them. He said of the 22 jurisdictions that he had contacted, 19 replied with sending him copies of their ordinance and six of those used State laws and have no ordinance or abatements of any kind. He said 13 jurisdictions had either abatement, nuisance ordinance or noise ordinance. He said there were 4 jurisdictions that had similar noise ordinances to Fayette County's noise ordinance. He said there were 3 jurisdictions that used noise meters similar to the meters that Fayette County utilizes. He said there were only two that had decibel levels spelled out in their ordinances. He said after reading 19 other ordinances and going back over the two and one half years of Fayette County operating its current ordinance he had come up with some recommendations. He said some of the issues that have come up previously needed to be clarified in the ordinance at some point. He said his first recommendation was to change the sound measurement locations in the ordinance. He remarked that the current ordinance stated that the measurement of sound levels shall be made at or within the property boundary of the receiving property. He said this made perfect sense to him for smaller tracts from 1 to 5 acres. He said for larger tracts consisting 15 acres or 20 acres it did not seem quite correct that a marshal would have to go to the far corners of a property and then get a measurement across that line when that area did not really impact where the people lived and gathered. He said his recommendation at that point was to be specific regarding the acreage and distance to the property line and where the family actually gathered and where this would have the most impact on them. He said his second recommendation was to modify the requirement that only the Board of Commissioners issue disturbance permits. He said the wording of the current ordinance indicated that a person coming to the Marshals Office would file an application, pay the fee, investigation done of the times, locations and what kind of instrumentation or manufacturing they wanted to do to get an estimate of the noise level. He said he would then come before the Board and either make a recommendation of approval or denial. He said the Board would then have to act on this by voting yes or no and this was the way the current ordinance read.

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Chief Marshal Collins remarked that in his discussions with these other locations and jurisdictions not a one required the Board of Commissioners or the City Council to issue these permits. He felt this was a task that might be better carried out by one of the Board's administrators. He said it was his recommendation that the County change that procedure to allow whatever administrator the Board chose and to move forward from there. He said his next recommendation was to modify the specified period of a permit. He said presently it was a fifteen day permit. He said the person would come in and file the application and pay the fee. He said if the permit was issued, it would be good for fifteen days. He said if it was some kind of an ongoing event, there was a one time extension that could be applied for to allow for another fifteen days. He said there was also the question why a permit could not be issued for multiple dates past the fifteen day or thirty day window if nothing had changed from the original permit. He said he also wanted to add an appeal process because if the Board was taken out of the permit issuing then whoever the official was who would decide to deny a permit, there should be some type of process to allow an appeal. He said he had added this in under his recommendations. He said if the permit was denied they could come before the Board and have a chance to argue their case.

Chief Marshal Collins felt the current ordinance was working fairly well and he believed the quantitative standard section had really been a positive issue for not only the marshal enforcing this ordinance but was also a tool to educate the public. He said now there was a guideline and rule for the Marshals to follow and show citizens when they respond to a complaint. He said if the citizen was in violation when the Marshal goes out the first time they would be given a warning. He said if the citizen has a second violation then they receive a citation if necessary. He said since this ordinance had been in place there have been numerous occasions when people have actually called Marshals out and asked them to do a trial run and take a meter reading. He said this had been very successful and noted that both sides understand that there was a standard that can be seen and understood. He said this had been very successful for the Marshals Office. He said it had also been well received by the court. He said his deputies were also much more confident in advising the citizens of the noise levels and they can demonstrate to all parties the procedures that the Marshals Office follow under this ordinance. He said the decibel level was not as important as just having one. He said if the Board decided to raise or lower it then that was fine. He said this allowed the Marshals Office to have a quantitative standard that could be used when they respond to a complaint. He said he would be glad to answer any questions that the Board might have.

Chairman Smith remarked that one of the issues that had brought this to the Board's attention was the essence of dirt bikes and the noise level that they generate which was unacceptable and more than what this ordinance does. He said Chief Collins had mentioned during his presentation that occasionally he had gotten requests from citizens to come out and measure noise before they undertook some event. He asked Chief Collins if any of the Marshals had ever measured the noise level for any dirt bikes and Chief Collins replied yes.

Chairman Smith asked what decibel level the dirt bikes normally recorded.

Chief Collins replied that the problem with dirt bikes was that it was not a one time noise but a constant noise. He said the other problem was the distance. He said the further away the less of a problem the noise was.

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He said the Marshals have gone out and advised people that if they were a little loud to try and move back about 100 feet and then they would pass. He said the Marshals would then explain to the complainant that they failed at one point on the property but passed on another part of the property. He said everyone seemed to understand that there was a process in place, although all did not agree with it.

Chairman Smith asked if there were actually people riding dirt bikes in the County.

Chief Collins replied yes, this was occurring all over the County.

Chairman Smith said a dirt bike in general had no reason not to comply with this ordinance and also questioned if the Marshals Office had found any reason why they could not comply.

Chief Collins remarked that in small areas it was difficult for them to comply because there just was no room for them to move to the back of the property.

Chairman Smith asked for a definition of a smaller area.

Chief Collins replied this would be approximately 5 to 10 acres. He said someone with 15, 20 or 25 acres would have room to move in to the center away from the property lines.

Chairman Smith asked if this also depended upon the mufflerization of the dirt bike and Chief Collins replied yes.

Chairman Smith asked Chief Collins if an off the showroom dirt bike was properly muffled to meet the County's ordinance.

Chief Collins replied that he could not quite answer that question directly because there was another question of distance.

Chairman Smith asked if Chief Collins' experience of measuring these dirt bikes, had the problem been from dirt bikes that have been modified where there were the loudest sounds.

Chief Collins replied no, not necessarily. He said the dirt bikes come with mufflers and there would be no way to know for sure if the bikes had been modified or not. He said in the case the noise from a diesel truck, that was a noise that was here and gone. He remarked that the noise from dirt bikes was just a constant circling of a revving sound which was an extremely annoying sound. He said as the studies indicate, this was considered the most annoying noise there was for humans. He said this was according to the Environmental Protection Agency.

Commissioner Horgan asked Chief Collins what the limits were for special permits. He asked how the Marshals Office made a determination as to approval or not of a special permit request.

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Chief Collins replied that was a problem. He said the Marshals would not know until it occurred. He said a nearby church wanted to have a teenage band. He said it was unknown if this was a rock band, heavy metal band or what. He said being as this was a church the Marshals knew it would be a conservative band. He said they had worked with the church as to where to locate the loud speaks and where to direct the sound.

Commissioner Horgan asked if the Marshals Office could actually say that this band was below the 55 decibel level and Chief Collins replied no they could not.

Chief Collins said he had directed the Marshals when they started having their outings that they go out and measure and determine at that point what the sound level was. He said then the Marshals would know that at some point if this could not be corrected, then it would have to be denied the next time.

Commissioner Horgan asked if an individual who owned motorcycles and had a large amount of acreage could come in and ask for a special permit.

Chief Collins replied yes they could. He said there was no limitation in the ordinance about who or what. He said if it was going to be a one time and one day birthday, then they could come in and request a special permit.

Commissioner Horgan asked if a special permit would allow them to be over a certain decibel level for a specific time period.

Chief Collins said the special permit would allow a specific time period. He said they could be above the limit for a certain amount of time and this was what the County had approved.

Commissioner Horgan asked if someone could request a special permit for a certain period of time for a certain day.

Chief Collins replied no, the special permit would only be allowed for a certain kind of event.

Commissioner Pfeifer said when this ordinance was being developed the issue was suggested that the property line be used in lieu of where the family gathers.

Chief Collins remarked that in his recommendation he described gathering places as decks, pools, play areas and areas that would be seen as where a family would gather and not just a wooded area in the back of approximately six or seven acres.

Commissioner Frady asked how much trouble the County would have in court enforcing one noise level above the ordinance and not another with or without a permit. He felt this could be discriminating. He questioned if someone could hold an event that went above the decibel level.

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Chief Collins said when someone requested a special permit for an organized event, a Marshal would go out and talk to people in the area and advise them that there would be a one time event that was going to be held.

Commissioner Frady asked if a person could operate motorcycles or things of that nature and get a permit to hold an event where they have matches for two hours on a Saturday, and the noise levels were higher than the approved decibel level.

Chief Collins responded if a person obtained a special permit, then they could violate it during that specific time period. He said if someone just builds a dirt track in their backyard, then they could not violate the decibel level just for fun on a daily basis.

Commissioner Maxwell thanked Chief Collins for his thoroughness of this report. He said for the record he had not contacted the Marshals Office or Chief Collins to prepare this report. He said this was totally independent on Chief Collins part.

Chairman Smith asked if anyone in the audience would like to address this issue.

Michael Okinchain, 150 Lucy's Place, Fayetteville said his home was close to the dirt bike track that was being discussed. He said he would like to strongly encourage the Board to leave the noise ordinance as it was. He said it had worked very well for his neighborhood. He said before the noise ordinance was adopted, life in his neighborhood was a disaster. He said at that time, they would be subjected to a couple of motorcycles to over a dozen that generated over 90 decibels for hours at a time. He said this would go on until sunset and sometimes six or seven times every week. He said people were coming from many other areas and not just from Fayette County and riding on this track. He remarked that the previous laws were vague and could not be enforced and the citizens were left with the good will of their neighbors which amounted to nothing. He said Chief Collins had discussed the decibel levels in his report. He said he had done some investigation into this and concurred with what Chief Collins was saying. He said if there was a decibel level of 55 and it was raised to 65 it would be considered 10 times the intensity. He said if a decibel level went from 55 decibels to 75 decibels it would be 100 times louder and 55 decibels to 85 decibels would be considered 1,000 times louder. He remarked that the current ordinance was obviously being violated and if the decibel level kept increasing then violators would keep pushing the envelope.

Lyn Loveless, 173 Arnold Road, Fayetteville remarked that it was actually his dirt track that everyone was discussing tonight. He said he understood people's argument about noise but there was also the argument that Chief Collins had brought up and that was that only two counties had required decibel levels that they enforced. He said he owned approximately thirty acres and has had the Marshals come out to his home several times. He said on a stock 65 for an 8 or 9 year old at the farthest point of his property, they were breaking the law. He asked where would it become if someone owned a 100 acres, they still could not ride a motorcycle such as a stock motorcycle with a stock muffler for a 10 year old. He said he did not want to hurt anybody and everybody needed to have peace and quiet sometimes. He said on any given Saturday morning he could hear a lawnmower, blower, weedeater or chainsaw running for most of the day. He said every one

of those pieces of equipment were breaking the noise ordinance. He said he realized that these were exempt from the noise ordinance but he felt there needed to be a happy medium. He said he realized that maybe someone could not ride their motorcycle all of the time. He said he disagreed with the gentleman's comment as hearsay. He said he owned this property and there had never been 7, 10 or 12 motorcycles on his property because he owned it. He said there had never been motorcycle riding 7 days a week all hours of the night. He said anyone can dispute that but he owned the property and knew what goes on there. He said if there was a way that he could work with the noise ordinance for the days that people were out working in their yards and already at 90 and 100 decibels. He said a Marshal would tell you if you were speaking in a normal conversation you were at 55 decibels. He said if his children could not ride their motorcycles on 30 acres then he would live with that. He said he was just asking the Board to consider amending the current noise ordinance in some way where citizens could abide. He said there were soccer fields and football fields and a lot of other activities for children and he was providing something for his children that they love to do. He said before he built his track he had come to the County and asked permission and was told that this was no problem. He said he had abided by everything that they ask and he understood that there were complaints. He said he realized people want peace and quiet but they would need 1,000 acres because there would always be someone bothering you. He said he would abide by whatever laws were in place.

Bob Cook said he owned 40 acres next door to Lyn Loveless' property. He said he disagreed with Mr. Loveless' comment that he knows everything that was going on and questioned why these children were riding on his private property twice. He said he could not even go outside to enjoy his outdoor activities when they were riding these motorcycles for so long. He said he would like to ask the Commissioners if they would want this in their backyards. He said he wanted the Commissioners to think about that question. He said it was not just one house down there but there were 15 homes on that street and this did not include the homes that were on the back side of the property. He said this was like a small community and he enjoyed his peace and quiet. He said the Marshals have come out to his property and beside his home the decibel level was over 70. He said he could not even go out in his backyard and drink a cup of coffee because of the constant revving of the motorcycles. He said he hoped that none of the Commissioners were ever in this position. He said he realized some of the other counties were different but he always thought Fayette County liked to be above and beyond the other counties and set the standards. He said he hoped this was what this Board would do. He said his home had been there for over 36 years and his was the second family there since the first family and he hoped to pass this down to a third family. He said he did not want to move because he loved this County. He said he also enjoyed the peace and quiet in his yard. He said the first time the children had ridden on his property he asked Mr. Loveless about it and Mr. Loveless had questioned how he knew it was his children. He said he told Mr. Loveless that his children were the only ones riding these motorcycles on a backyard track. He said the next time the children were on his private property they left tire tracks from an ATV all up and down the side of his property. He said they also tore down the seedling trees that he was trying to grow.

Mr. Cook said one of the Commissioners came to his home the first time this occurred and stood at the end of his driveway which was approximately 300 to 400 feet from the front of the house. He said his property line was approximately 300 to 400 feet from the back of Mr. Loveless' track. He said the Commissioner stood at the mailbox and could hear these motorcycles at 8:00 p.m. He said he had not called the Commissioner but

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his neighbor across the street had called him and asked him to come out and listen. He said no one should have to live like this. He said he agreed that children needed to go places and have fun and suggested maybe the County needed to build a dirt bike track and give them a place to go. He said there was a BMX track in Peachtree City where they can ride their motorcycles.

Mr. Cook further remarked that this problem was now starting to arise in Fayette County and he felt the Board should step forward and review this. He said his complaint was not the only complaint against dirt bikes. He said he wanted each one of the Commissioners to ask themselves if they would want this problem in their backyard. He said he could not sit down to the table and eat and had to stay in his home and be a prisoner there. He said when this noise ordinance was passed by the Board, his neighborhood was very quiet and peaceful. He asked for the Board's consideration in this matter.

Commissioner Maxwell asked Mr. Cook if there might be one time during the week that the motorcycles could be out there.

Mr. Cook responded that he was concerned with giving someone two hours to ride these motorcycles that it would extend eventually to two and one half hours to three hours and so on. He felt sure that Mr. Loveless was aware of the law the first time it was adopted.

Commissioner Maxwell said the ordinance could state the riding could be from 4:00 p.m. to 6:00 p.m. He asked Mr. Cook if he would have an objection to that.

Mr. Cook said this could be limited to certain days of the week and make sure that these motorcycles were street legal and not out riding on the street with no tags.

Commissioner Maxwell said that would be a different issue and would be an enforcement issue. He said personally he did not want a commercial track out there and he was not interested in having that.

Mr. Cook remarked that his concern was giving the riders two hours it would go to two and one half hours. He said when previously when the Marshals responded to complaints at this track, it was not long after that they were riding them again.

Commissioner Maxwell said he was asking if a certain amount of time and certain days could be designated for these bikes and if that was something that might be considered.

Mr. Cook replied there was a petition that was submitted when the noise ordinance was adopted. He said this would not affect just him but should involve everyone who was listed in the petition. He said he would only be speaking for himself and not for everyone else. He said every time the Marshals have come out the decibel level has been over 74 and that was on the side of his house approximately 300 feet to 400 feet from the back of his property line.

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Commissioner Maxwell asked Mr. Cook if he could live with this level for two hours.

Mr. Cook replied if everybody else agreed with it then he could agree with it. He said if the Board did adopt something of this nature, then he would like to invite each Commissioner to his house and let each one hear it at the decibel level and the amount of motorcycles at the track.

Commissioner Maxwell said he was just trying to find out if there was a way that everybody could get along. He remarked that if someone was riding their bike across Mr. Cook's property then that was a trespassing problem and not a noise problem.

Mr. Cook felt this was something that the neighborhood needed to get together and decide. He said this problem did not only involve him but involved the entire neighborhood. He noted that the first petition had over 60 names on it.

Commissioner Frady said he had voted in favor of this ordinance because he felt it was a good ordinance. He recalled the entire Board voted in favor of this in 2005. He said he had asked questions that night as to whether or not there was any way that these bikes could be used during certain times.

Mr. Cook said if he had to choose a time for these bikes to operate he would prefer this during mid day.

Commissioner Maxwell interjected that the children who operate these bikes would be in school at that time. He said he was not ready to make a decision on this issue tonight. He said this was a learning process for him.

Commissioner Frady said it was not his purpose to change this ordinance but to discuss it and try and please everybody.

Mr. Cook interjected that legal mufflers and the use of mufflers should be included in the requirement.

Commissioner Maxwell asked how Chief Collins would know if the muffler was modified or not modified. He felt this would be difficult to enforce.

Commissioner Pfeifer said he would like to remind everybody that this was a noise ordinance. He said it was not a just a regulation for a dirt bike track. He said although a lot of the discussion was specific about the dirt bike track, the noise ordinance would involve the entire County and other noise nuisances. He said any change in this ordinance would affect every citizen in the entire County and not just in this particular neighborhood.

Chairman Smith asked if anyone else wished to speak on this issue.

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Amy Anderson, 155 Lucy's Place, Fayetteville presented a petition to the Board. A copy of the petition, identified as "Attachment No. 10", follows these minutes and is made an official part hereof. He said the citizens who signed this petition were respectfully requesting that the Fayette County Commissioners make no changes to the current noise ordinance. She said there had been approximately eight noise citations issued in the last two years for a population of over 100,000 residents. She said, therefore, the ordinance could not be construed by any means to be too restrictive, extreme or in need of revision. She said the current noise ordinance was adopted as stated in Section 12-27 to deal with documented complaints in the Marshals Office. She said this ordinance was deemed necessary to minimize said noise and to protect the health, safety and welfare of the citizens. She felt by amending this ordinance would once again adversely impact our health, way of life and the enjoyment of properties as well as property values. She said there were 54 signatures on this petition and the majority of them come from six different roads that were affected by this one large motocross course. She said this noise carries across six different streets. She said other signatures were from people affected by motorcycle noise in other parts of the County.

Ms. Anderson asked if her neighbor was allowed to ride up and down property lines, then why could the measurement not be at the property line. She if the rider could go to the farthest extent of his property, then why couldn't she do the same. She said she was sure none of the Commissioners had ever lived next door to a motocross course. She said if the Commissioners wanted to have a little demonstration as to what 85 decibels sounded like next door, then she would be glad for each of them to come to her house and hear it first hand. She said there have been at least one dozen bikes at the track at the same time. She said this was not just a little family activity that sounds so wholesome. She said this family rides these bikes competitively, loud, long, for six to eight hours every day and sometimes for seven days per week. She said this occurred before the new noise ordinance. She said she could not begin to tell the Board what it was like to live with that kind of noise. She said she should not have to crank up the volume on her television in her home to drown out the noise of these motorcycles. She said the noise level was over 60 decibels in her daughters' bedrooms. She said the Board had mentioned riding occurring during certain hours on certain days. She asked what her daughters would do then while they were trying to read and do their homework in the bedrooms with the window shut. She said this was completely unfair and ridiculous. She asked if the Board was going to start negotiating with everybody in the County who has a problem with an ordinance. She asked if the Board was going to start making special dispensation for one individual. She said this ordinance was effective. She said 99.99% of the Fayette County population has no problem with this ordinance. She said just because one individual had a problem with this did not mean that everything possible should be done to amend it to suit that one person. She said Mr. Loveless' family could ride their bikes on their property if they do so in the middle of their property. She said the issue of speaking being in violation of the noise ordinance was ridiculous. She said the 55 decibels for speaking was not going to come across her property line and be loud. She remarked that airplanes flying overhead did not violate the noise ordinance and were not as loud as the motorcycles. She said airplanes hardly ever go over 58 decibels. She said this ordinance was working well and she felt it needed to stay in its current form. She said the citizens have a right to peace and quiet and she certainly had a right to peace and quiet inside her home.

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Abe Winters, 290 Nelms Road, Fayetteville said he had moved to Fayette County almost 30 years ago and had lived on Nelms Road for close to 20 years. He said Nelms Road was just two small bumps away from the property in question. He said two and one half years ago back in April this issue had come before the Board of Commissioners and it was ruled that it seemed necessary that there be a noise ordinance that would protect those people living in the neighborhood. He said he has not seen any reason to bring this issue back up again. He said he did not feel that the idea of not being cooperative neighbors was true. He said he would like to suggest that the gentleman in question has not polled those individuals who are his neighbors. He said he lives approximately a quarter mile away from this track. He said if he did not have his windows closed during the time the bikes are running then he could hear what was going on in his house. He said he was not allowed to have a pig farm in Fayette County that would be considered offensive as far as sight and he said he sees no reason to have something that would be offensive to his auditory types of things as well. He said this was a sensible issue and one that had been addressed and he sees no reason to bring this back up again. He said he used to work for the County and still did in some respects. He said he had worked for many years with the youth of this County and he believed in the youth of this County. He said he did not wish that they did not ride or if they came from outside of Fayette County but there was a department within the County that deals with recreation. He questioned if the issue was recreation riding or some other type of riding. He said the knowledge he has of dirt bikes and that kind of racing was that there was not just one noise but a continuous noise. He said if there was more than one bike traveling on the track then they would not always be in the same location as they negotiate the track but would be in different areas. He said the noise level would probably peak and wane but pretty much remain constant. He said if 55 decibels was the level that the County had assumed was correct and was a reasonable ordinance to use, then he sees no reason to increase this decibel level. He said he saw nothing to be gained by adding one person's desire over those of any of the neighbors and/or yourselves that Mr. Loveless would have a disposition that would allow him to ask for something that was not in agreement with the neighbors. He felt this was not proper to say that he should. He said he would like to think that in two and one half years of having a good ordinance that the County would maintain this good ordinance. He said if Mr. Loveless' children need to ride their bikes then he was sure there were locations where this could be done or if the Recreation Department might have suggestions or be something that they could add into their activities for the youth of this County. He said if those types of things were taken care of in an appropriate manner as opposed to an arrogant manner or not speaking to his neighbors. He asked for the Board's consideration to not do anything with the current ordinance and leave it as is. He said Mr. Loveless must decide what he should do on his own.

Eddie Baldwin, 145 Addison Drive, Fayetteville said he would like to comment Chief Marshal Ed Collins for his excellent report. He said he had previously met with Commissioner Maxwell who he considered a reasonable man and a friend. He said Commissioner Maxwell would work with anyone on any issue of concern. He said he had personally not had to live in the situation being discussed tonight. He said the situation that he and his family lived in for six years was basically people having their dirt bikes or ATV's riding around their five acres of property directly next to his property line. He said they had not been cursed with a full blown bonafide dirt bike track. He said it was interesting to listen to all of the comments, concern, ideas and suggestions tonight. He said the one thing that he had learned from people was that there could be all of the black ink available on white pieces of paper and if they were going to do what they wanted to do, this would not stop

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them from doing this. He said the sound coming from these bikes was very loud and offensive. He said it was difficult to tell if a muffler had been modified. He remarked that a factory stocked muffler according to the E.P.A. has a rating of 80 decibels. He said if the bike was pretty far away from someone's property line, it would not be louder than a push mower. He said that was not the issue tonight. He said dirt bikes were notorious for having louder than 80 decibel systems on them. He said he would not want to live near what these people say they are having to endure.

Mr. Baldwin said he had been "raked over the coals" with the attitude that people are going to do what they please and he was tired of it. He said they don't care who they disturb, how long they disturb you and what time of the day they disturb you. He said to merely suggest giving these people a window of two to four hours during the afternoon was ridiculous. He said there should be no window created to allow for this kind of abuse. He said he simply could not go along with anything like that. He said it was human nature for people to do what they wanted to do. He said for this Board to give these people a window of opportunity would violate someone's right to peace and quiet. He said to own a car or a motorcycle in the United States was a privilege and someone did not have the privilege to disturb him. He said he had a right to his peace and quiet and he hoped the Board would seriously consider leaving the current ordinance the way it was. He said as Commissioner Pfeifer clearly stated, this ordinance affects everyone in Fayette County and not just a neighborhood on Lucy's Place. He said any changes that this Board makes that affect those individuals and possibly give them special conditions would also affect where he lives. He said there was a potential for the property behind his home to have a dirt bike tract be developed. He said any amendment to this ordinance would just open the door for that to happen. He said if this ever occurred, he and his neighbors would be right back in front of this Board.

Tyler Loveless said he was the son of Lyn Loveless. He said he wanted the Board to know a little bit about him. He said he was fifteen years old and riding motorcycles was a big part of his life. He said this sport had taken him many places. He said he was part of the National Championships in Oklahoma City, Oklahoma. He said a lot of people talk about motorcycles as fun and recreation. He said he had worked his entire life for this and dirt bike racing was his life. He said dirt bike racing was no different than someone playing football or soccer. He asked the Commissioners how they would feel if the sport of football or soccer was taken away from their child. He said he had worked hard for this and he felt he deserved the right to go further in the sport and to exceed his expectations.

Chairman Smith asked Tyler what class he competed in.

Tyler responded that he just recently completed an 85 14/15 class and now he was moving up to the 125's which was on the verge of being considered a pro.

Chairman Smith asked Tyler if he was riding a modified bike.

Tyler replied that at his house he had been riding stock bikes. He said there was a stock bike in a modified class and he had also competed in that.

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Donna Rosenhoover, 110 Lucy's Place, Fayetteville said she had lived at this address for approximately three years. She said the noise ordinance was already in place when she moved in. She said they have heard the noise of these bikes at her home. She said she had three small children and they are outside a lot. She said when the bikes were riding at this track it sounded like all of the trees in her backyard were being taken down with a chainsaw. She said this noise had actually scared her children the first time they heard it. She said when they spoke with the neighbors they realized that this had been something that had constantly been worked on. She said it had come to her attention approximately one month ago that the noise ordinance might come up for review and possible amendment and it made her very nervous as it would anyone else living in Fayette County. She said her family had moved here for the peace and quiet and the serenity and they had enjoyed those things at 110 Lucy's Place. She said she wanted her children to be at peace and she wanted to be at peace. She said it was awesome that Tyler Loveless had done so well and admirable that he came before the Board to speak. She said the problem was that this activity was within a residential area and in her backyard. She said this track was in a lot of her neighbors' back yards and interferes with their home life. She said this probably would be Tyler's profession and livelihood and something that he had done very well in. She said with that this had taken away everyone's quality of life. She said she did not feel that this was acceptable for anybody in the County. She said if there was a way to put this in a public setting with some type of sound barriers, then that would make sense. She said she disagreed with the thinking that no one would have peace and quiet unless they owned 1,000 acres. She felt that type of attitude was wrong and no one should have to live that way. She begged the Board to take this issue seriously and pointed out that this was not just one neighborhood against someone riding their dirt bikes. She said she did not care what people rode or how they rode them but she did not want to hear the loud noise in her house.

Amanda Mowry, 145 Lucy's Place, Fayetteville reiterated that this problem was personal with the neighborhood because they were having to live with it and it was right in her backyard and basically on her property line. She said she has to turn the volume on her television up as loud as it can go and it would not drown out this noise. She said they live in the heart of Fayette County and moved here because of the peace and quiet. She said most of the neighborhood had lived here for many years. She noted that Lyn Loveless had not lived here that long. She said he had lived in Fayette County but not in this neighborhood. She said the neighborhood had the quality of life that would be expected in Fayette County when the residents moved there. She said two neighbors sold their homes because of this noise problem and they did not want to have to sell their home.

Chairman Smith asked if anyone else wished to speak on this issue. Hearing none, he asked for the Board's pleasure in this matter.

Interim County Administrator said the direction that had been provided to staff regarding this issue was to provide an analysis of the current ordinance, conduct research and present those findings to the Board of Commissioners for discussion purposes. He said included in the agenda request to the Board there was no specific action requested at this juncture as this was the initial presentation of information by Chief Marshal Collins on this issue. He said this item has not had legal review in terms of proposed language, modifications or anything else. He said he would respectfully request that prior to any Board action that there be appropriate legal review of the entire document with proposed modifications if that was the Board's desire.

Commissioner Frady said it was his understanding that this item was just going to be a presentation and for informational purposes.

DISCUSSION OF THE WATER COMMITTEE RECOMMENDATION THAT THE WATER SYSTEM PAY THE DIFFERENCE BETWEEN THE INSTALLATION OF AN 8" LINE NEEDED BY THE BOARD OF EDUCATION ON SANDY CREEK ROAD, AND A 16" LINE TO ACCOMMODATE FUTURE REQUIREMENTS OF THE WATER SYSTEM IN THAT AREA :

Director of the Water System Tony Parrott said there was a policy where the Water System can participate with a developer or other entity on a water line extension. He said there was a situation where the Board of Education wanted water for a new school site that was going to be at Sandy Creek and Tillman Road. He said they were requesting an 8" water line for the school site. He said the Water System's overall plan was to run a 16" water line down Sandy Creek and connect it with S.R. 54. He said participation with the school meant that the school would pay \$57,283 for their 8" line and the County would install with the contractor the water line that the County wanted for \$172,743 which would mean that the County would spend \$115,460 in order to put a 16" water line closer to S.R. 54. He asked for the Board's permission for the Water System to make this offer to the Board of Education and let them present the County with a check and he would proceed with scheduling the water line installation.

Commissioner Frady remarked that this would greatly enhance the County's firefighting capability.

Mr. Parrott remarked that it would add six additional fire hydrants on Sandy Creek Road.

Chairman Smith asked if that cost was included.

Mr. Parrott replied that the cost of the fire hydrants would come out of the fire fund. He pointed out that these were off site from the school and not part of the proposal.

Chairman Smith asked if there were funds available in the fire fund to cover this expense.

Interim County Administrator Jack Krakeel replied that annually there was a utility expense line item account in the fire fund. He said this was funded at a cost of \$25,000 on an annual basis for fire hydrant installations. He said based on his recollection of previous costs associated with hydrants, there should be sufficient funding to cover this particular item.

Chairman Smith asked if there were any further questions. Hearing none, he asked for the Board's pleasure in this matter.

A motion was made by Commissioner Pfeifer and seconded by Commissioner Frady to approve the Water Committee recommendation to pay the difference between the installation of an 8" line needed by the Board of Education on Sandy Creek Road, and a 16" line to accommodate future requirements of the Water System in that area. The motion carried 5-0.

DISCUSSION OF WATER COMMITTEE RECOMMENDATION THAT THE COUNTY PARTICIPATE IN THE AMOUNT OF UP TO \$18,929 WITH PEACHTREE CITY, PEACHTREE CITY WATER AND SEWERAGE AUTHORITY, FAYETTEVILLE AND TYRONE TO MEET THE REQUIREMENT TO COMPLY WITH THE METROPOLITAN NORTH GEORGIA WATER PLANNING DISTRICT:

Director of the Water System Tony Parrott remarked that part of the district plan was that the County had to do water monitoring on the watersheds and streams in the County. He said in working with Peachtree City, the City of Fayetteville, Peachtree City Water and Sewerage Authority and Tyrone, he had come up with a plan that would get the testing done for each one of these entities as required by the district plan that would also comply with the other issues that the different entities have whether it be elicit discharges or anything else that has to do with any of the different plans that the district has. He said this cost was based on the County being 49% of the County's population. He said this was a not to exceed number and he was still working on the exact number of samples that would have to be done for each entity so the cost to the County would not exceed this. He said the reason he was pushing so hard on this issue was because there had to be some dry weather sampling this Fall.

Commissioner Horgan asked where the money would come from.

Mr. Parrott responded that the Water System was going to fund the County's portion through the Water System's Renewal and Extension Fund.

Commissioner Horgan asked where Peachtree City and the other entities were getting their funds for this.

Mr. Parrott replied that Larry Turner had been talking with the City of Peachtree City about splitting the cost inside Peachtree City but he did not know the answer for the other entities.

Commissioner Maxwell asked what the County's contingency would be if the City of Peachtree City, Tyrone or Fayetteville did not want to participate.

Mr. Parrott responded that there would not be a problem with that occurring and assured the Board that each of them would be participating. He said the only amount that he was asking the Board to approve was the 49%.

A motion was made by Commissioner Frady and seconded by Commissioner Horgan to approve the Water Committee recommendation that the County participate in the amount of up to \$18,929 with Peachtree City, Peachtree City Sewerage Authority, Fayetteville and Tyrone to meet the requirement to comply with the Metropolitan North Georgia Water Planning District. The motion carried 5-0.

BOARD REPORTS:

Clayton State University MBA Program: Chairman Smith remarked on a press release that Clayton State University was anticipating Board of Regents approval to offer an MBA Program that would be taught at Aberdeen Woods Conference Center in Peachtree City. He asked for the Board's consideration to draft a Resolution showing the Board's support for this program.

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It was the consensus of the Board to direct staff to draft a Resolution showing the Board's support for the Clayton State University MBA Program that would be taught at the Aberdeen Woods Conference Center in Peachtree City and bring this Resolution to the Board for adoption and authorization for the Chairman to sign the Resolution at its October 3, 2007 Workshop Meeting.

Chairman Smith: Chairman Smith remarked that Kathleen Mann who had spoken under the public comment section of the noise ordinance on tonight's agenda had commented that the County currently did not have any prohibition against hunting with bows in the County. He asked for staff to look into this issue and determine if there was any change that needed to be made in the County ordinances.

It was the consensus of the Board that staff be directed to look into the issue of bow hunting in the County.

STAFF REPORTS:

OCTOBER 11TH BOARD OF COMMISSIONERS' MEETING CANCELLED: Executive Assistant Carol Chandler remarked that there were no items listed for the October 11th Board of Commissioners' meeting agenda and the deadline for submission of items was tomorrow. She asked for the Board's consideration to cancel this meeting. She noted that the meetings for the Board during the month of October would be the October 3rd Board of Commissioners Workshop meeting held on Wednesday at 3:30 p.m. and the regular Board of Commissioners meeting held on Thursday, October 25th at 7:00 p.m.

A motion was made by Commissioner Frady and seconded by Commissioner Horgan to cancel the October 11, 2007 Board of Commissioners meeting. The motion carried 5-0.

A motion was made by commissioner Horgan and seconded by Commissioner Pfeifer to adjourn the meeting at 9:10 p.m. The motion carried 5-0.

Karen Morley, Chief Deputy Clerk

Jack R. Smith, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 25th day of October , 2007.

Karen Morley, Chief Deputy Clerk